

## § 1427.1102

with the terms and conditions determined and announced by CCC, including any purported execution outside of the dates authorized by CCC, shall be null and void except as otherwise provided in this part.

### § 1427.1102 Definitions.

The definitions in this section shall apply to the cottonseed payment program provided for in this subpart. The terms defined in §1427.3 of this part shall also be applicable to this subpart.

*Application period* means a period, as announced by CCC, during which applications for payments under the Cottonseed Payment Program must be received to be considered for payment.

*Cottonseed* means the seed from any varieties of upland cotton and extra long staple (ELS) cotton produced and ginned in the United States.

*Gin* means a person (*i.e.*, an individual, partnership, association, corporation, cooperative marketing association, estate, trust, State or political subdivision or agency thereof, or other legal entity) that removes cotton seed from cotton lint in commercial quantities.

*Lint* means cotton lint as contained in bales of cotton ordinarily marketed as cotton and excludes any linters, raw motes, re-ginned motes, cleaned motes, and any other gin waste or byproduct not traditionally defined as cotton lint.

*Ton* means a unit of weight equal to 2,000 pounds avoirdupois (907.18 kilograms).

[68 FR 20332, Apr. 25, 2003, as amended at 71 FR 4233, Jan. 26, 2006]

### § 1427.1103 Eligible cottonseed and counties.

To be eligible for payments under this subpart:

(a) Counties must have been declared a disaster by the President of the United States due to 2004 hurricanes or tropical storms.

(b) Cottonseed must not have been destroyed or damaged by fire, flood, or other events such that its loss or damage was compensated by other local, State, or Federal government or pri-

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vate or public insurance or disaster relief payments.

[71 FR 4233, Jan. 26, 2006; 71 FR 8926, Feb. 22, 2006]

### § 1427.1104 Eligible applicants (first handlers).

(a) An eligible first handler of cottonseed shall be a gin that has an eligible payment quantity as determined under §1427.1107. Only an eligible first handler of cottonseed shall be eligible to file an application for payment under this subpart.

(b) Applicants must comply with the terms and conditions set forth in this subpart and instructions issued by CCC, and sign and submit an accurate, legible and complete Cottonseed Payment Program Application and Certification.

(c) Applicants signing the cottonseed payment application or receiving payment under this subpart must share any payment with the producer of the cotton that was the basis of the cottonseed payment to the extent that the effect of the loss of cottonseed, was borne by the producer rather than the gin. To the extent that such funds will be shared with the producer by the gin, those funds will be considered to have been received by the applicant on behalf of such producers.

[68 FR 20332, Apr. 25, 2003, as amended at 71 FR 4233, Jan. 26, 2006]

### § 1427.1105 Payment application and deadline.

(a) Payments in accordance with this subpart shall be made available only to eligible first handlers of cottonseed based on information provided on a Cottonseed Payment Program Application and Certification.

(b) The application deadline shall be 60 calendar days after the rules in this subpart become effective unless otherwise announced by CCC. Applications received after such application deadline will not be accepted for payment.

(c) Cottonseed Payment Program Application and Certifications may be obtained from the CCC as announced by press release. In order to participate in the cottonseed payment program under this subpart, first handlers of cottonseed must execute and submit to CCC according to announced instructions